

Washington State Funeral and Cemetery Board Meeting

Tab 1

Call to Order

February 2, 2016
ESD 113/Capital Event Center
Tumwater, WA



STATE OF WASHINGTON
DEPARTMENT OF LICENSING

FUNERAL & CEMETERY BOARD
MEETING AGENDA
SPECIAL BOARD MEETING

DATE: February 2, 2016

TIME: 9:00 am

LOCATION: ESD 113/Capital Event Center
 6005 Tyee Dr SW
 Tumwater, WA 98512

AGENDA:

OPEN SESSION 9:00 AM

1. Call to Order

- 1.1. Introductions
- 1.2. Order of agenda
- 1.3. Approval of minutes: November 3, 2015
- 1.4. Review Communications

2. Public Comment Opportunity

- 2.1. Department of Health mass casualty planning

3. New Business

- 3.1. Year in review

4. Old Business

- 4.1. Review master action items list

5. Complaint Cases for Review*

- 5.1. Case Manager Recommendations
 - 5.1.1. 2015-09-2402-00CEM (Smock)
 - 5.1.2. 2015-09-2604-00FDE (Shifflett)
 - 5.1.3. 2015-09-2400-00CEM (Messenger)

6. Legal Issues for Deliberation*

- 6.1. Orders to be presented
 - 6.1.1. 2014-03-2604-00FDE (Messenger)
 - 6.1.2. 2014-05-2602-00FDE (Wilson)

7. Disciplinary & Investigation Items

- 7.1. Closed session deliberation report (only necessary if closed session is held)
- 7.2. Disciplinary cases report

8. Assistant Attorney General's Report**9. Committee/Task Force Reports**

- 9.1. Internship committee
- 9.2. Cemetery committee

10. Board Staff Report

- 10.1. Program Operations
- 10.2. Department of Licensing
- 10.3. Other Items

11. Other Business

- 11.1. Action items from this meeting
- 11.2. Agenda items for next meeting
- 11.3. Any other business

12. Adjournment

*The Board may enter into closed session to discuss disciplinary proceedings.



STATE OF WASHINGTON
DEPARTMENT OF LICENSING

FUNERAL & CEMETERY BOARD
MEETING MINUTES
SPECIAL BOARD MEETING

DATE: November 3, 2015

TIME: 10:30 am

LOCATION: ESD 113/Capitol Event Center
 Pacific Room
 6005 Tyee Dr SW
 Tumwater, WA 98512

BOARD MEMBERS PRESENT: Ronald Messenger, Cemetery Member & Chair
 Jim Letson, Cemetery Member & Vice Chair
 Cameron Smock, Cemetery Member
 Jeffrey Wilson, Funeral/Embalmer Member
 Pete Cameron, Funeral/Embalmer Member
 Todd Shifflett, Funeral/Embalmer Member
 Charles Chaplin, Public Member

STAFF PRESENT: Rick Storvick, Assistant Administrator
 Autumn Dryden, Administrative Assistant
 Lorin Doyle, Administrator
 Elizabeth Lagerberg, Assistant Attorney General
 July Simpson, Assistant Attorney General
 Jeremy Gelms, Assistant Attorney General

OTHERS PRESENT: Members of the public

1. Call to Order 10:30 am

1.1. Introductions

Board members, staff, and guests introduced themselves.

1.2. Order of agenda

The order of the agenda was amended to add item 5.1.5 – case #2015-02-2400-00CEM (Letson).

Mr. Wilson made a MOTION to approve the agenda as amended. Mr. Cameron seconded the MOTION and it passed.

1.3. Approval of minutes: August 4, 2015

Mr. Smock made a MOTION to approve the minutes as presented. Mr. Letson seconded the MOTION and it passed.

1.4. Review Communications

No business.

2. Public Comment Opportunity

No business.

3. New Business

3.1. 2016 meeting dates – Bring your calendars

Board meetings were scheduled for the following dates and preferred locations:

February 2, 2016	ESD 113/Capital Event Center, Tumwater
May 3, 2016	ESD 113/Capital Event Center, Tumwater
August 2, 2016	ESD 113/Capital Event Center, Tumwater
November 1, 2016	ESD 113/Capital Event Center, Tumwater

All meetings are scheduled to begin at 9:00am, but will be adjusted as needed for committee meetings.

A training workshop for all of the Department of Licensing's Boards will take place on April 20 in Olympia. A reception at the Governor's Mansion will follow.

Action Item: Staff will send details of the April 20 training to board members as it becomes available.

3.2. ICFSEB Conference – February 2016

The board's staff asked for volunteers who are interested in attending the International Conference of Funeral Service Education Boards (ICFSEB) Annual Meeting in Newport Beach, CA February 23-25, 2016. Mr. Messenger will attend as part of an ICFSEB committee and his expenses will be paid by the ICFSEB. Mr. Shifflett and Mr. Cameron are also interested in attending.

4. Old Business

4.1. Review master action items list

The master action items list was reviewed and updated.

4.2. Electronic self-cremation authorization

Ms. Lagerberg shared her research on electronic signatures with the board and the board discussed the issue of a computer program witnessing a signature.

The Board did not take a position on which program(s) meet the standard of law regarding electronic signatures and they do not have a prohibition regarding electronic signatures. Each individual business should to make their own choice regarding what level of risk or liability they are willing to take when making decisions about accepting electronic signatures.

Action Item: Staff will respond to a licensee's question about the electronic witnessing of electronic signatures.

5. Complaint Cases for Review*

5.1. Case Manager Recommendations

5.1.1. 2014-08-2602-00FDE (Wilson)

The complaint alleged unprofessional conduct when remains were transported to a different mortuary than the complainant requested and removal fees were charged. An investigation found that confusing messages between the complainant and the coroner's contracted funeral home led to the remains being held at a different funeral home than where the complainant wished them to be held. The case manager found no violation of law or rule and recommended the case be closed. Mr. Smock made a MOTION to accept the recommendation. Mr. Shifflett seconded the MOTION and it passed.

5.1.2. 2015-06-2602-00FDE (Wilson)

The complaint alleged unprofessional conduct by a funeral home for failing to contact a family and failing to cremate remains. An investigation found no evidence of a violation and the case manager recommended the case be closed. Mr. Letson made a MOTION to accept the case manager's recommendation. Mr. Smock seconded the MOTION and it passed.

5.1.3. 2015-06-2603-00FDE (Messenger)

The complaint alleged unprofessional conduct for not sending appropriate staff to a residence for a removal, failing to file a death certificate in a timely manner, failure to provide cremated remains and the death certificate on the date promised, failure to disclose the location of the crematory, and taking the remains out of the county without the permission of the family. The case manager found no violation of law or rule and recommended the case be closed. Mr. Cameron made a MOTION to accept the recommendation. Mr. Shifflett seconded the MOTION and it passed.

5.1.4. 2015-07-2602-00FDE (Wilson)

The complaint alleged unprofessional conduct by a funeral home for employing or offering incentives to a medical center chaplain for referrals. An investigation found the chaplain acted on his own and printed forms for families in an effort to provide resources to families, but was not associated with any particular funeral home and did not receive any incentives. Mr. Smock made a MOTION to accept the case manager's recommendation and close the case. Mr. Cameron seconded the MOTION and it passed.

5.1.5. 2015-02-2400-00CEM (Letson)

The complaint alleged unprofessional conduct by a cemetery. The complaint stems from a couple originally purchasing pre-construction mausoleum spaces in 1975. Upon the death of the first person in 2007, the surviving spouse exchanged the crypts for a companion niche. At the time, the spouse was not charged for the interment. Upon the death of the spouse in 2014, the family was charged for the interment and became upset. The case manager found no violation of law or rule and recommended the case be closed. Mr. Wilson made a MOTION to accept the case manager's recommendation. Mr. Shifflett seconded the MOTION and it passed.

6. Legal Issues for Deliberation*

6.1. Orders to be presented

6.1.1. 2014-06-2612-03FDE (Messenger)

Agreed Order – Columbia Memorial Chapel, Funeral Establishment and Kathryn Tate, Funeral Director Intern

The respondent was found to have prepared remains for identification without permission from the person having the right to control disposition. The agreed order imposed the following sanctions:

- The respondent is assessed a \$4,000 fine – to be paid in monthly installments of \$300.
- The funeral director intern license of the respondent's principal is suspended for a period of one year, and the suspension is stayed for a period of one year or until the fine is paid in full.

Mr. Smock made a MOTION to accept the agreed order. Mr. Shifflett seconded the MOTION and it passed.

6.1.2. 2013-09-2600-04FDE (Wilson)

Agreed Order – Shannon Barbrich, Funeral Director Intern

The respondent was charged with unprofessional conduct for violating laws relating to the proper handling and transportation of human remains. The agreed order imposed the following sanctions:

- The respondent is assessed a \$600 fine – to be paid in monthly installments of \$50.
- The funeral director intern license of the respondent is suspended for a period of one year, and the suspension is stayed on the condition that the respondent does not violate any further laws or rules governing funeral practice for a period of one year.

Mr. Letson made a MOTION to accept the agreed order. Mr. Shifflett seconded the MOTION and it passed.

6.1.3. 2014-08-2600-00FDE (Letson)

Agreed Order – Pioneer Memorial Services, Funeral Establishment and Susan Freeman, Funeral Director

The respondent was found to have cremated remains without authorization from the individual with the right to control disposition. The agreed order imposed the following sanctions:

- The respondent's funeral establishment license is suspended for a period of two years. The suspension is stayed upon compliance of the following:
 - The respondent's principal will write a report about the interplay between power of attorney, durable power of attorney, and RCW 68.50.160 demonstrating she understands the right to control disposition, what it means and how it is applied.
 - The respondent's principal will provide, upon random audit by the Department, documentation of attempts to contact next-of-kin prior to disposition.
 - The respondent is assessed a fine of \$3,000, which must be submitted to the Department within 30 days.
 - The respondent does not violate any further laws or rules governing funeral practice for a period of two years.

Mr. Wilson made a MOTION to accept the agreed order. Mr. Cameron seconded the MOTION and it passed.

6.1.4. 2014-11-2600-01FDE (Wilson)

Agreed Order – Henry C. Melton, Funeral Director

The respondent was found to have failed to supervise an intern who performed funeral services without a license and signed his name to funeral service contracts for use by the unlicensed intern. The agreed order imposed the following sanctions:

- The respondent's funeral director license is suspended for a period of two years. The suspension is stayed upon compliance of the following:
 - The respondent is assess a fine of \$600, which must be submitted to the Department within two years.
 - The respondent does not violate any further laws or rules governing funeral practice for a period of two years.

Mr. Letson made a MOTION to accept the agreed order. Mr. Cameron seconded the MOTION and it passed. Mr. Smock abstained from the vote.

6.1.5. 2014-11-2600-02FDE (Wilson)

Agreed Order – Michael Wright, Funeral Director Intern

The respondent was found to have acted as a funeral director intern with an expired license. The agreed order imposed the following sanctions:

- The respondent is assessed a fine of \$4,000.

Mr. Letson made a MOTION to accept the agreed order. Mr. Shifflett seconded the MOTION and it passed. Mr. Smock abstained from the vote.

7. Disciplinary & Investigation Items

7.1. Closed session deliberation report (only necessary if closed session is held)

No business.

7.2. Disciplinary cases report

Packet item; no action.

8. Assistant Attorney General's Report

No business.

9. Committee/Task Force Reports

9.1. Internship committee

Ms. Doyle reported the committee met prior to the board meeting. The committee has a proposal that includes three new license types: certified

funeral assistant, removal technician, and crematory operator. The proposed certified funeral assistant licensing category would allow individuals to work in the industry without becoming a licensed funeral director (such as office managers, front desk staff, etc.). Internships would remain as a path to becoming licensed. Any changes proposed by the committee would require board approval and legislative change, and any proposed legislation would not take place until at least 2017.

9.2. Cemetery committee

Mr. Storvick reported the committee met prior to the board meeting. The committee is still in the preliminary stages of gathering information about the cemetery industry.

10. Board Staff Report

10.1. Program Operations

Staff shared a standard licensing report for information only.

10.1.1. Legislative update
No business.

10.1.2. Financial Report
No report.

10.2. Department of Licensing

Mr. Storvick updated the board on the updates to the department's online renewal system. Licensees will soon be able to renew online without using a password.

The board's staff will be physically moving in early 2016. Staff will still be located in the same building, but on the first floor.

Mr. Jeff Wilmoth, the board's new Management Analyst 3, was introduced to the board.

10.3. Other Items

No business.

11. Other Business

11.1. Action items from this meeting

Action items were reviewed and will be added to the master action items list.

11.2. Agenda items for next meeting

- Department of Health – emergency planning for mass casualties

11.3. Any other business

No business.

12. Adjournment 11:24 am

Submitted by:

Rick Storvick, Assistant Administrator

Date _____

Approved by:

Ron Messenger, Board Chair

Date _____

Board Meeting

Tab 2

Public Comment Opportunity

The Board has the option to allow comment from the public on agenda items or other topics, unless the comment is related to an open investigation.

The Board may limit the comment period, and will provide instructions if they choose to do so.

Board Meeting

Tab 3

New Business

**Topics for action or discussion by the board
as identified at or since the last board meeting.**

Washington State Funeral & Cemetery Board
 February 2, 2016
 Tumwater, WA

Funeral & Cemetery Programs – 2015 Quick Review

Funeral & Cemetery board member activity

- Board members Ron Messenger, Pete Cameron, and Todd Shifflett and Board Administrator, Lorin Doyle attended the International Conference of Funeral Service Examining Boards (ICFSEB) Annual meeting in Dallas, TX.
- Board Chair Ron Messenger and staff Pam Griese participated in ICFSEB exam writing workshops.
- Past board member Gary Clark and staff Lorin Doyle worked with ICFSEB to develop a model funeral service practice act that was presented at the annual conference in February 2015.
- Cemetery board member Lydia Webb retired from the board; Cameron Smock was appointed.
- Subcommittees of the board took on issues related to funeral director interns and insolvent cemeteries.

Outreach activity

- Funeral & Cemetery staff attended the joint conference for Washington State Funeral Directors Association and Washington Cemetery, Cremation and Funeral Association.
- Funeral & Cemetery staff made a presentation for the Washington State Funeral Directors Association Northwest regional meeting.
- Program staff Pam Griese serves on the funeral service education advisory committees for Lake Washington Technical College and Mt. Hood Community College.

Legislation affecting the programs - No new legislation passed in 2015 that affected the programs.
New board policies adopted - No new board policies adopted in 2015.

Program updates

Annual inspections and audits

- Staff completed all inspections and audits by the June 30 deadline. Our statutes require annual inspections of funeral establishments, funeral establishment branches and crematories; and examinations of any funeral prearrangement contracts, cemetery endowment care and prearrangement trust funds. In 2015, staff completed 77 examinations and 296 inspections.

Staff accomplishments

- Jeanne Todd participated in a national committee sponsored by the ICFSEB to develop a model licensing application to be used by funeral service licensing programs.
- Aaron Hauenstein is a board member of the Pacific Northwest License and Tax Fraud Association.
- Pam Griese is the incoming president for the Death Care Regulator's Association (DCRA).
- Jill Short and Pam Griese attended DCRA's annual meeting in October 2015.

License Statistics

Type of License	2013	2014	2015
Academic Interns	1	0	0
Cemetery Certificates of Authority	151	156	155
Certificate of Removal Registration	40	40	40
Cremated Disposition Permit	51	47	51
Crematory License	28	29	29
Embalmer	403	390	370
Embalmer interns	143	146	143
Funeral Director	570	562	553
Funeral Director interns	195	196	185
Funeral Establishments	244	246	249
Funeral Establishment Branches	56	58	56
Prearrangement Funeral Service Contract	171	175	173

Disciplinary activity

Complaints	2013		2014		2015	
	Opened	Closed	Opened	Closed	Opened	Closed
Funeral	33	32	90	47	71	72
Cemetery	13	15	44	24	21	40
Total	46	47	134	71	92	112

Charges	2013	2014	2015
Informal Charges Served (BAP)	6	28	31
Formal Charges Served	8	20	13
Board Agreed Orders	12	15	17
Board Hearings	1	1	1

Board Actions: Formal & Informal**2015 Activity**

Informal action: Brief Adjudicative Proceedings	Served Notice of intent to discipline	Complied with Notice (and closed with no further action)	Failed to respond to Notice (default)	Converted to Formal Charges	Complied with Board Order	Awaiting Settlement Conferences
#respondents	39	36	3	2	0	0

Formal action	Served Statements of Charges	Failed to respond to Statement of Charges (default)	Agreed to Board offer without settlement	Reached Negotiated Agreement through Settlement	Board Hearing	
#respondents	13	1	1	16	1	

Recommendation: For information only – no action required

Submitted by Board Staff

Board Meeting

Tab 4

Old Business

**Topics from past meetings, presented for update,
action or further discussion by the board.**

Washington State Funeral and Cemetery Board

Board or Staff Assignments

Date Assigned

<i>Agenda Item</i>	<i>Action Item</i>	<i>Assigned to</i>	<i>Status</i>
11/3/2015 ..	Electronic self-cremation authorization - Staff will respond to licensee's question about the electronic witnessing of a signature.	Storvick and Griesse	<i>Due Date</i> <i>Completed</i> <input checked="" type="checkbox"/> <i>Out dated</i> <input type="checkbox"/>
11/3/2015 ..	Board Training - Staff will send details (when ready) of the 4/20 board training to all board members.	Doyle	<i>Due Date</i> <i>Completed</i> <input checked="" type="checkbox"/> <i>Out dated</i> <input type="checkbox"/>

Board Meeting

Tab 5

Complaint Cases for Review

**Complaint closure recommendations
presented by the assigned case manager.**

Board action is required on each case.

- Please review the case file to complete this worksheet.
 - Use this worksheet to make a recommendation to the board.
 - Do not use specific names of respondents or complainants on this form.
 - Do not add recommended sanctions on the worksheet. That discussion will happen separately.
- If you need additional information or have questions about this summary, please contact staff.

Case number: 2015-09-2402-00CEM

Give a brief summary of the complaint and the alleged violation(s): *(Example of alleged violation: unlicensed practice, unprofessional conduct for . . .)*

Complaint alleges that the cemetery does not keep adequate records of burials and does not properly maintain graves. Furthermore, the complaint alleges that the cemetery staff are not helpful and give inaccurate information about the location of burials.

What violations did you find? State the RCW or WAC if applicable:

- ☒ No Violations
☐ List Violations
 1.
 2.
 Etc.

What evidence supports the alleged violation? *(Example: webpage language, print advertising, contract etc.)*

- ☒ No Violation
☐ For each violation, briefly identify the supporting evidence *(you can reference the case file index)*
 1.
 2.
 Etc.

Action Required

- ☐ Recommend charges
☐ Remediation/Counseling
☒ Recommend for closure

Cameron Smock
 Case Manager Name

12/8/2015
 Date

RETURN TO: DFCCOMPLIANCE@DOL.WA.GOV

- Please review the case file to complete this worksheet.
 - Use this worksheet to make a recommendation to the board.
 - Do not use specific names of respondents or complainants on this form.
 - Do not add recommended sanctions on the worksheet. That discussion will happen separately.
- If you need additional information or have questions about this summary, please contact staff.

Case number: 2015-09-2604-00FDE

Give a brief summary of the complaint and the alleged violation(s): *(Example of alleged violation: unlicensed practice, unprofessional conduct for . . .) Alleged Violation: Unprofessional Conduct for advertising that false, deceptive or misleading.*

What violations did you find? State the RCW or WAC if applicable:

X ☐ No Violations

☐ List Violations

1.

2.

Etc.

What evidence supports the alleged violation? *(Example: webpage language, print advertising, contract etc.)*

X ☐ No Violation

☐ For each violation, briefly identify the supporting evidence *(you can reference the case file index)*

1.

2.

Etc.

Action Required

☐ Recommend charges

☐ Remediation/Counseling

X ☐ Recommend for closure

Todd Shifflett

Case Manager Name

11/13/2015

Date

RETURN TO: DFCCOMPLIANCE@DOL.WA.GOV

Case number: 2015-09-2400-00CEM

Give a brief summary of the complaint and the alleged violation(s): Failure to honor preneed contract and statements on respondent's website pertaining to preneed contracts, deception, overcharging, predatory practices, misrepresentations at time of need.

What violations did you find? State the RCW or WAC if applicable:

X No Violations

What evidence supports the alleged violation? (*Example: webpage language, print advertising, contract etc.*)

X No Violation – Purchaser entered in to a NON-guaranteed preneed contract as acknowledged by purchaser's initials agreeing to such on contract. Reference to current website guarantee statement regarding growth of trust fund is not relevant to contract written 10 yrs. prior and purchased as non-guaranteed by customer. Purchaser also acknowledged written statement on preneed contract that if death occurred outside of the general area served by respondent that additional charges would be incurred.

Addressing the potential for the urn sold at the preneed being of insufficient capacity to hold 2 full sets of cremated remains, the respondent has more than adequately rectified this by offering at no additional costs to the purchaser or her heirs a second urn when the purchaser dies if the original urn will not fully accommodate both persons cremated remains, a larger niche, and all associated placement, endowment care and recording fees. Respondent also noted that there will be no further cemetery costs due at time of need. This contract/agreement was signed and initialed by the purchaser indicating acceptance. Respondent also cancelled the remaining cremation preneed, at the request of the purchaser, and refunded the purchaser in full waiving the 10% contractually agreed cancellation penalty.

Complainant is NOT the purchaser, I find no indication of deception or undue pressure for purchaser to accept any of the contracts they signed.

☐ For each violation, briefly identify the supporting evidence - None found

Action Required

☐ Recommend charges

☐ Remediation/Counseling

X Recommend for closure

Ron Messenger
Case Manager Name

1/6/2016
Date

RETURN TO: DFCCOMPLIANCE@DOL.WA.GOV

Board Meeting

Tab 6

Legal Issues for Deliberation

**Negotiated settlement orders or default orders
presented by the board's prosecution team.**

Board action is required on each order.

**STATE OF WASHINGTON
DEPARTMENT OF LICENSING
BUSINESS AND PROFESSIONS DIVISION
WASHINGTON STATE FUNERAL AND CEMETERY BOARD**

In the Matter of the Licenses to Practice
the funeral professions of:

**Whiteside Family Mortuaries, Funeral
Establishment**
License No.183,

Respondent.

DOL No. 2014-03-2604-00 FDE

**AGREED FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER**

The Funeral Program (Program) of the Business and Professions Division of the Department of Licensing (Department), by and through Jeremy M. Gelms, Assistant Attorney General, and Jennifer Whiteside (Respondent) agree to entry of this AGREED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER (Agreed Order):

I. PROCEDURAL AGREEMENTS

1.1 Respondent was served with the Statement of Charges in this proceeding, along with an Answer to Statement of Charges (Answer).

1.2 Respondent timely filed an Answer.

1.3 The Program, its attorney, and Respondent have engaged in settlement discussions, during which this Agreed Order was agreed upon.

1.4 Respondent understands the Program is prepared to proceed to a hearing based on the Statement of Charges.

1.5 Respondent understands it has the right to defend against the allegations in the Statement of Charges by presenting evidence at a hearing.

AGREED FINDINGS OF FACT.

CONCLUSIONS OF LAW AND ORDER - PAGE 1

1.6 Respondent understands, should the Program prove at a hearing the allegations in the Statement of Charges, the Board has the power and authority to impose sanctions under RCW 18.235.110.

1.7 Respondent and the Program agree to speed the final resolution of this matter by means of this Agreed Order.

1.8 Respondent waives the opportunity for a formal hearing on the Statement of Charges contingent upon signature and acceptance of this Agreed Order by the Board.

1.9 This Agreed Order is not binding unless and until it is signed and accepted by the Board.

1.10 Respondent waives any objection to the participation of any of the members of the Board (other than Ron Messenger, who is the reviewing board member and case manager in this proceeding) in a formal hearing in this matter if the Board rejects this Agreed Order.

II. AGREED FINDINGS OF FACT

2.1 Whiteside Family Mortuaries is registered with the Board as a Funeral Establishment under certificate No. 183, issued September 22, 1977 and was continuously licensed until March 4, 2015. Jennifer Whiteside is the owner of the Establishment.

2.2 Terry Harper was registered with the Board as a Funeral Director Intern under certificate number 3000, issued March 14, 2008 and was licensed continuously until March 18, 2013.

2.3 David Tarrence was registered with the Board as a Funeral Director Intern under certificate number 2824, issued March 13, 2006 and was licensed continuously until September 28, 2012.

2.4 Between August 29, 2013 and April 22, 2014, six embalming report forms list David Tarrence as having secured embalming authorization. David Tarrence's Funeral Director Intern license was expired at this time. This conduct constitutes a violation of RCW 18.39.020, and 18.235.130 (9),(12).

AGREED FINDINGS OF FACT,

CONCLUSIONS OF LAW AND ORDER - PAGE 2

2.5 Between September 6, 2013 and June 12, 2014, eight embalming report forms list Terry Harper as having secured embalming authorization. Terry Harper's Funeral Director Intern license was expired at this time. This conduct constitutes a violation of RCW 18.39.020, and 18.235.130 (9),(12).

2.6 On October 21, 2013 Terry Harper completed an at-need arrangement for the remains of Clair Winston Thorp. Terry Harper's Funeral Director Intern License had expired in March of 2013. This conduct constitutes a violation of RCW 18.39.020, and 18.235.130 (9), (12).

2.7 On January 3, 2014 an embalming report for Franklin Hollatz indicated the embalming was completed by R.J.L. and A.F. (Ronald Larson and Alexander Favre). Mr. Favre is not a licensed embalmer or embalmer intern and did not have permission from the person or persons having the right to control disposition to be present in the preparation room. This conduct constitutes a violation of RCW 18.39.020, 18.235.130 (9), (12) and WAC 308-48-030(2).

2.8 On February 13, 2014 Respondent completed an at-need arrangement for the remains of Darlene Blair. Respondent's Principal was listed as the person preparing the statement. As evidenced by his time sheet, Respondent's Principal did not work on this day. Furthermore, the hand writing on the form does not appear to match that sample provided by Respondent's Principal to the board and appears to match that of documents filled out by Mr. Harper. The Funeral Director Intern License of Terry Harper had expired in March 2013 and the Funeral Director Intern License of Dave Tarrence had expired in September 2012. This conduct constitutes a violation of RCW 18.39.020, and 18.235.130 (9), (12).

2.9 On April 1, 2014 in an interview with a board investigator, Respondent's principal stated that after Mr. Harper's and Mr. Tarrence's licenses had expired he "sat in" on the funeral arrangements at Respondent's while Mr. Harper and Mr. Tarrence talked to the families and completed information for the death certificate, the obituary, and the funeral contract. This conduct constitutes a violation of RCW 18.39.020, and 18.235.130 (9), (12).

AGREED FINDINGS OF FACT,

CONCLUSIONS OF LAW AND ORDER - PAGE 3

2.10 In the same April 1, 2014 interview, Respondent's Principal stated he was teaching Mr. Favre to embalm and Mr. Favre helps wash human remains. Mr. Favre is not a licensed embalmer or embalmer intern and did not have permission from the person or persons having the right to control disposition to be present in the preparation room. This conduct constitutes a violation of RCW 18.39.020, 18.235.130(9), (12) and WAC 308-48-030(2).

2.11 On July 29, 2014 in an interview with a board investigator, Terry Lonborg stated he made arrangements for his father's funeral (Dale Lonborg) on February 26, 2014 with "Terry." Terry Harper's Funeral Director Intern License had expired in March of 2013. This conduct constitutes a violation of RCW 18.39.020, and 18.235.130 (9), (12).

2.12 On July 29, 2014 in an interview with a board investigator, Elaine Bloomfield stated she made arrangements for her father's funeral (Robert Alan Krack) on October 23, 2013 with "Terry." Terry Harper's Funeral Director Intern License had expired in March of 2013. This conduct constitutes a violation of RCW 18.39.020, and 18.235.130 (9), (12).

2.13 On July 29, 2014 in an interview with a board investigator, Mark Gray stated he made arrangements for his mother's funeral (Patricia Ann Gray) on October 25, 2013 with "David and Jerry." The Funeral Director Intern License of Terry Harper had expired in March 2013 and the Funeral Director Intern License of Dave Tarrence had expired in September 2012. This conduct constitutes a violation of RCW 18.39.020, and 18.235.130 (9), (12).

III. AGREED CONCLUSIONS OF LAW

3.1 The Board has jurisdiction over Respondent and over the subject matter of this proceeding.

3.2 The facts described in 2.4 through 2.13 constitute unprofessional conduct under RCW 18.39.020, 18.235.130(9),(12) and WAC 308-48-030 (2).

3.3 Such unprofessional conduct is grounds for sanctions pursuant to RCW 18.235.110.

AGREED FINDINGS OF FACT,

CONCLUSIONS OF LAW AND ORDER - PAGE 4

IV. AGREED ORDER

Based on the preceding Procedural Agreements, Agreed Findings of Fact and Conclusions of Law, Respondent and the Program agree to entry of the following order:

4.1 Respondent Jennifer Whiteside agrees to not apply or otherwise obtain any licensure governed by the Washington State Funeral and Cemetery Board for a period of twenty-five (25) years commencing on the date this Order is approved by the Board.

4.2 Ms. Whiteside agrees to publish, in a Gray's Harbor County area newspaper, a notice indicating that all pre-need funeral files written through Whiteside Family Chapel are now in possession of Funeral Alternatives, provide contact information for Funeral Alternatives, and indicate that this establishment can be contacted for information regarding policy options. The notice shall run in a minimum of two Sunday circulations. The Respondent shall publish the notice, and provide a copy of the notice to the Board, within 60 days after the date this Order is approved by the Board.

4.3 This Agreed Order takes effect immediately upon being served by the Board.
RCW 18.235.080.

4.4 Respondent and the Program have read this Agreed Order in its entirety and fully understand and agree to all of it.

4.5 This Agreed Order may be submitted to the Board for approval and entry without further notice.

4.6 If the Board accepts this Agreed Order, the Program will mail a signed copy to Respondent.

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AGREED FINDINGS OF FACT.

CONCLUSIONS OF LAW AND ORDER - PAGE 5

Jennifer Whiteside

Jennifer Whiteside

Date December 15, 2015

Bob Ferguson
Attorney General

Jeremy M. Gelms, WSBA# 45646
Assistant Attorney General

Date _____

Lorin Doyle,
Program Administrator

Date _____

V. ORDER

The Washington State Funeral and Cemetery Board accepts and enters this Agreed Findings of Fact, Conclusions of Law and Agreed Order. Nothing in this Agreed Order may be construed as a limitation on the enforcement authority of the Department or Washington State Funeral and Cemetery Board with respect to Respondent's duties and obligations under the laws governing funeral practice.

DATED this _____ day of _____ 2016

STATE OF WASHINGTON
WASHINGTON STATE FUNERAL AND CEMETERY BOARD

Presiding Officer

Presented by:

Jeremy M. Gelms, WSBA# 45646
Assistant Attorney General

AGREED FINDINGS OF FACT,

CONCLUSIONS OF LAW AND ORDER - PAGE 7

**STATE OF WASHINGTON
DEPARTMENT OF LICENSING
BUSINESS AND PROFESSIONS DIVISION
WASHINGTON STATE FUNERAL AND CEMETERY BOARD**

In the Matter of the Licenses to Practice
the Funeral Professions of:

**Brown's Funeral Home & Cremation
Services**, Funeral Establishment Number
23,

Ronald Brown, Funeral Director Number
1335,

Respondent.

No. 2014-05-2602-00FDE

**AGREED FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER**

The Funeral & Cemetery Program (Program) of the Business and Professions Division of the Department of Licensing (Department), by and through R. July Simpson, Assistant Attorney General, and Brown's Funeral Home & Cremation Services, (Respondent) agree to entry of this AGREED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER (Agreed Order):

1 PROCEDURAL AGREEMENTS

1.1. Respondent was served with the Statement of Charges in this proceeding, along with an Answer to Statement of Charges (Answer). The Statement of Charges alleges the Respondent failed to provide costs of goods and services, and conducted themselves unprofessionally.

1.2 Respondent timely filed an Answer.

1.3 The Program, its attorney, and Respondent have engaged in settlement discussions, during which this Agreed Order was agreed upon.

1.4 Respondent understands the Program is prepared to proceed to a hearing based on the Statement of Charges.

1.5 Respondent understands they have the right to defend against the allegations in the Statement of Charges by presenting evidence at a hearing.

1.6 Respondent understands, should the Program prove at a hearing the allegations in the Statement of Charges, the Board has the power and authority to impose sanctions under RCW 18.235.110.

1.7 Respondent and the Program agree to speed the final resolution of this matter by means of this Agreed Order.

1.8 Respondent waives the opportunity for a formal hearing on the Statement of Charges contingent upon signature and acceptance of this Agreed Order by the Board.

1.9 This Agreed Order is not binding unless and until it is signed and accepted by the Board.

1.10 Respondent waives any objection to the participation of any of the members of the Board (other than Jeffrey Wilson, who is the reviewing board member and case manager in this proceeding) in a formal hearing in this matter if the Board rejects this Agreed Order.

2 AGREED FINDINGS OF FACT

2.1 Brown's Funeral Home & Cremation Services, (Respondent) is registered with the Board as a Funeral Establishment under certificate number 23, issued September 21, 1977.

2.2 Ronald Brown (Respondent's Principal) is registered with the Board as a Funeral Director under certificate number 1335, issued October 26, 1970, and is the designated funeral director for Respondent.

2.3 On February 6, 2014 Emilio James Del Angel was stillborn.

2.4 On January 28, 2015 in an interview with a board investigator, Osbaldo Antonio Del Angel Hamblin, father of Emilio James Del Angel, stated Respondent charged him \$100 for all goods and services and reimbursed him the \$100 when the TEARS Foundation sent payment to Respondent.

2.5 On a statement of goods and services dated February 19, 2014 Respondent charged \$500 for merchandise and services for Emilio James Del Angel. The statement was not signed by the person having the right to control disposition.

2.6 This conduct constitutes a violation of RCW 18.235.130,(3),(4), and (8), and 18.39.195(1)(b).

2.7 On January 9, 2014 Rosa Hopkins was stillborn.

2.8 On January 28, 2015 in an interview with a board investigator, Samantha Hopkins, mother of Ms. Hopkins, stated she chose \$200 in merchandise and for cremation.

2.9 On a statement of goods and services dated January 24, 2014 Respondent charged \$500 for merchandise and services for Ms. Hopkins. The statement was not signed by the person having the right to control disposition.

2.10 Respondent told her if the TEARS Foundation paid the cremation fee was \$25, and if not the fee was \$10. Per RCW 18.39.195 items listed as "cash advance" must be the net amount paid by the funeral director. This conduct constitutes a violation of RCW 18.235.130, (3), (4), and (8), and 18.39.195(1)(b) and (2).

3 AGREED CONCLUSIONS OF LAW

3.1 The Board has jurisdiction over Respondent and over the subject matter of this proceeding.

3.2 The facts described in 2.1 through 2.10 constitute unprofessional conduct under RCW 18.235.130(3), (4), and (8), and 18.39.195(1)(b) and (2).

3.3 Such unprofessional conduct is grounds for sanctions pursuant to RCW 18.235.110.

4 AGREED ORDER

Based on the preceding Procedural Agreements, Agreed Findings of Fact and Conclusions of Law, Respondent and the Program agree to entry of the following order:

4.1 The Funeral Director license of Respondent's Principal is hereby suspended for a period of eighteen months. The suspension will be STAYED contingent on compliance with the following:

- 4.1.1 Respondent does not violate any further laws or rules governing funeral practice for a period of eighteen months following the date this Agreed Order is served by the Board.
- 4.1.2 Respondent is assessed a fine of \$3,000 to be submitted to the Department within 30 days of the date this Agreed Order is served by the Board .
- 4.1.3 All fines shall be submitted to:
Department of Licensing
Lily Reineke, Board Clerk
PO Box 3907
Seattle, WA 98124-3907
- 4.1.4 Respondent's principal will create a model statement of goods and services showing the correct amounts and using the proper terminology for discounts as should have been used in this case. Additionally, Respondent's principal will write a summary of the laws and rules concerning pricing information to be given under RCW 18.39.195. Respondent shall submit this to the Department of Licensing within 90 days of the date this Agreed Order is served by the Board.

4.2 The Funeral and Cemetery Board Administrator, Business and Professions Division, Department of Licensing, in reliance upon the Department's own records, may apply to the Board for an order which will lift the stay and impose the suspension immediately without further notice to Respondent or opportunity for hearing; provided, however, the Department will notify the Respondent in writing when it applies for the Order of Suspension, the effective date of the actual suspension and what action, if any, the Respondent must take to obtain reinstatement of the license.

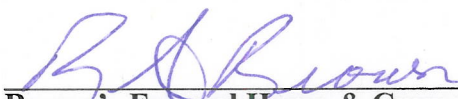
4.3 Respondent shall be responsible for all costs of complying with this Agreed Order.

4.4 This Agreed Order takes effect immediately upon being served by the Board. RCW 18.235.080.

4.5 Respondent and the Program have read this Agreed Order in its entirety and fully understand and agree to all of it.

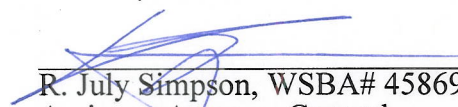
4.6 This Agreed Order may be submitted to the Board for approval and entry without further notice.

4.7 If the Board accepts this Agreed Order, the Program will mail a signed copy to Respondent and the Program's attorney.


Brown's Funeral Home & Cremation Services

Date 11-19-2015

Bob Ferguson
Attorney General


R. July Simpson, WSBA# 45869
Assistant Attorney General

Date 11/19/2015


For Lorin Doyle,
Program Administrator

Date 11-19-15

V. ORDER

The Washington State Funeral and Cemetery Board accepts and enters this Agreed Findings of Fact, Conclusions of Law and Agreed Order. Nothing in this Agreed Order may be construed as a limitation on the enforcement authority of the Department or Washington State Funeral and Cemetery Board with respect to Respondent's duties and obligations under the laws governing funeral practice.

DATED this _____ day of _____ 2015.

STATE OF WASHINGTON
WASHINGTON STATE FUNERAL AND CEMETERY BOARD

Presiding Officer

Presented by:

R. July Simpson, WSBA# 45869
Assistant Attorney General

We are committed to providing equal access to our services.
If you need accommodation, please call (360) 664-6597 or TTY (360) 664-0116.

Board Meeting

Tab 7

Disciplinary & Investigation Items

**Standard disciplinary reports and a report of any
administratively closed complaints.**

**Provided for information only –
typically no board action is needed.**

Washington State Funeral and Cemetery Board
February 2, 2016
Tumwater, WA

Administratively-closed complaints and Brief Adjudicative Proceeding (BAP) report

Background: The following complaints have been administratively closed:

No Jurisdiction:

2015-12-2401-00CEM

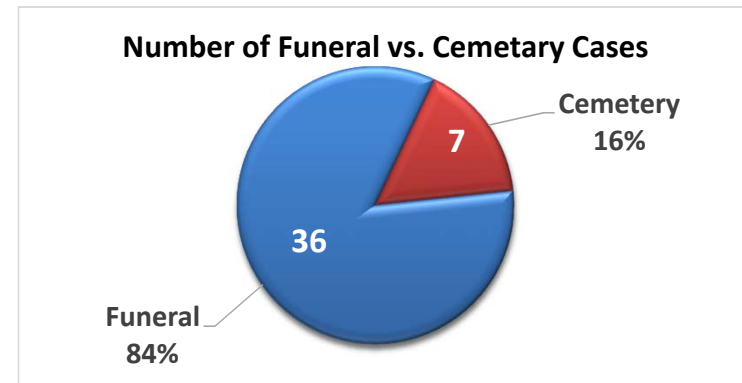
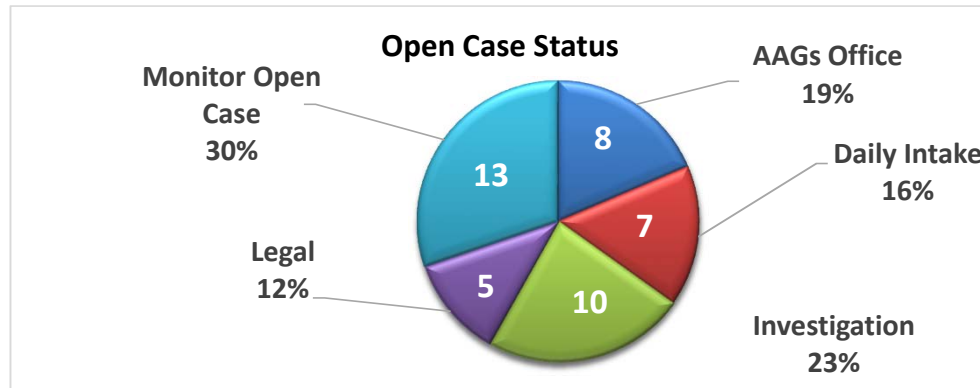
This case was administratively closed because the matter was out the jurisdiction of the board.

2015-09-2600-00FDE

This case was administratively closed because the matter was out of the jurisdiction of the board.

Recommendation: For information only, no board action necessary.
February 2, 2016

Funeral & Cemetery Board Complaint Report - Page 1 Open Cases



Assigned to:	Funeral	Cemetery	AAGs Office	Daily Intake	Investigations	Legal	Monitor Open Case
Jeffrey Wilson	7	0	2	0	0	2	3
Jim Letson	3	0	2	0	0	0	1
Pete Cameron	2	0	0	0	0	0	2
Ron Messenger	5	4	3	0	0	2	4
Todd Shifflett	3	0	1	0	0	1	1
Unassigned	16	3	0	7	10	0	2
Totals	36	7	8	7	10	5	13

Recent Yearly Totals	2016	2015	2014
Cemetery Closed	0	40	24
Cemetery Opened	0	21	44
Funeral Closed	0	72	43
Funeral Opened	2	71	77

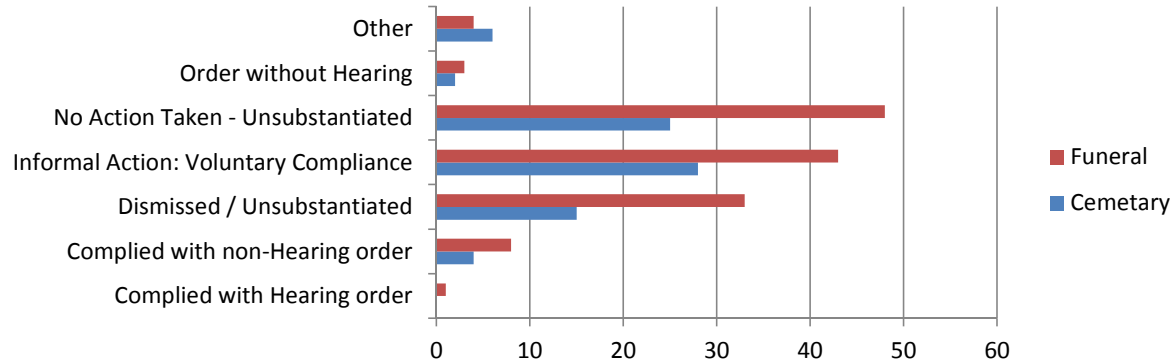
Typical Complaint Process (Open Case Status)

- Staff receive complaint (*Daily intake*)
- Staff evaluate complaint (*Daily intake*)
- Staff use BAP if appropriate (*BAP*)
- Staff assign to Case Manager (CM) (*Case Manager Review*)
- CM review & determine whether to investigate (*Case Manager Review*)
- Staff investigate complaint (*Investigations*)

-- If no evidence supports allegation, CM recommend closure (*Case Manager Review*)

Funeral & Cemetery Board Complaint Report - Page 2 Closed Cases

Case Resolution



Maximum fine allow per violation:

Unprofessional conduct - \$5,000 / per occurrence

Unlicensed practice - \$1,000 / per day

Range of other sanctions available (not inclusive)



Severe



Mild

Revoke license

Suspension (not stayed)

Suspension (stayed)

Reprimand

Training

Law summary

Common Resolution Methods (2013-15)

Common Sanctions Used

Allegation	Total Allegations	Closed w/No Action	Complied w/Order	Informal Action	Order	Other	Lowest fine	Highest fine	Suspensions (incl. stayed)	License Revoked
Failure to provide Annual Report/ContEd	79	7	9	63	0	0	\$500	\$1,000	0	0
Issues w/or failure to file death certificates, burial transits	5	2	2	1	0	0	\$2,000	\$4,000	2	0
Right to control	2	2	0	0	0	0	\$0	\$0	0	0
Care of human remains	9	7	2	0	0	0	\$500	\$12,500	2	0
Failure to supervise intern (Funeral Directors & Embalmers only)	1	0	0	0	1	0	\$1,500	\$1,500	0	0
Other	57	36	3	8	4	6	\$900	\$1,000	0	0
PA contract issue	19	1	3	13	1	1	\$500	\$146,000	1	0
Solicitation of human remains	2	2	0	0	0	0	\$0	\$0	0	0
Trust fund violation	5	2	0	1	2	0	\$3,000	\$30,000	11	2
Unlicensed practice	3	3	0	0	0	0	\$2,500	\$20,000	0	0
Totals	182	62	19	86	8	7				

* closed because no evidence of violation was found

Cases monitored for compliance

8

Cases sent to collections

1

Board Meeting

Tab 8

Assistant Attorney General Report

**Presentation of general legal issues
of interest to the board.**

**Provided for information only –
typically no board action is needed.**

Board Meeting

Tab 9

Committee/Task Force Reports

**Reports and updates from the board's
standing committees or task forces.**

Board action may be needed.

Board Meeting

Tab 10

Board Staff Report

Operational reports and information about legislative matters of interest to the board.

Provided for information only – typically no board action is needed.

Board Meeting

Tab 11

Other Business

Review of action items from this meeting, agenda items for the next meeting, and discussion of topics added under the Order of the Agenda.

Board Meeting

Tab 12

Adjournment